

Tues., March 28, 1967 THE MINNEAPOLIS STAR CF

Judge Rejects Bid for Allied Mistrial

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BISMARCK, N.D.—Federal Judge Edward J. Devitt today turned down a request for a mistrial in the American Allied Insurance Co. fraud case.

Attorneys for four of five defendants, charged with mail fraud and conspiracy, had asked for mistrial on the basis of statements made to news media and in open court Monday by David Kroman, the fifth defendant in the trial.

Kroman, former president of the defunct U.S. Mutual Insurance Co. of St. Paul, told reporters yesterday that he had been involved in a long "investigation into the assassination of President John F. Kennedy in Dallas, Tex., in 1963."

After Kroman repeated these statements in open court, Devitt severed him from the trial and ordered him sent to a federal hospital in Springfield, Mo., for a mental examination.

Attorneys Asked

Attorneys for Philip Kitzer Jr., George Hruban, and Minnesota Insurance Commissioner Cyrus Magnusson, now on leave, asked for an immediate mistrial.

James Daniels, attorney for Philip Kitzer Sr., asked that the jury first be polled to determine if it had been

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"contaminated" by publicity given the "Kroman affair."

U.S. Dist. Atty. Patrick Foley opposed the mistrial motion, but joined Daniels in asking for the questioning of the jurors individually in Devitt's chambers.

Only two jurors, both alternates, had heard anything about the Kroman statements, one when he used the radio for an alarm clock, and the other when he wanted to listen to the weather report.

The other juror, John Collier, a Glen Ullim, N.D., farmer, complained about all the news casts.

"In the morning I get up and like to get the weather report," he told Judge Devitt, "but all you can get is this stuff. I can't even turn on the radio without this stuff blaring out. Allied, Allied, that's all it is, it's disgusting, it should be stopped."

Devitt subsequently ruled that the jurors had not been prejudiced and denied the motion for a mistrial.

Frank Oliver, attorney for Kitzer Jr., pointed out to the court that he had attempted to sever Kroman from the case last November.

"What we were attempting to do then was to avoid just what has happened now. The government has been aware for some time of Mr. Kroman's bizarre activities."

"Federal Judge Miles Lord,

when he was district attorney, stated that Mr. Kroman was crazy, yet he went ahead and indicted him and put a man who he knew was crazy into our midst."

Kroman's press conference took place in the Bismarck Hospital, where he was undergoing treatment because of an incident Monday morning on Hwy. 94 about 25 miles east of Bismarck.

Kroman told reporters in the hospital and later related in open court to Devitt that he had been followed from Minnesota to North Dakota Sunday night by two automobiles. The jury was not present when the judge questioned him.

Kroman told the court he thought he had evaded the cars after reaching the Minnesota-North Dakota border, but later he found one was still following him.

Kroman said that about 30 miles east of Bismarck one automobile caught up with him, drove alongside his car and that someone in the pursuing vehicle pointed a gun at him.

He said he drove his car into the ditch to avoid being shot. He also told the judge he had a loaded shotgun on his lap.

Kroman was found semi-conscious in the front seat of his car about 3:30 a.m. yesterday by a motorist who called the North Dakota Highway Patrol.

Because of Kroman's medical history, Dr. ~~Gerd Fischer~~

treated the victim as an "epileptic seizure" patient. Fischer later released Kroman when the latter refused to submit to medical tests and demanded his release from the hospital.

In court in the afternoon Devitt questioned Kroman concerning his statements about the Kennedy investigation and the reported attempts on the defendant's life.

"Your Honor," Kroman answered to one question, "I have had countless incidents that have never been reported. They were trying to attack me or get material from me. This is not my imagination."

"I am playing a game I shouldn't have got involved in," Kroman said. "I should have walked away from this in December of 1963, but I didn't and made a mistake."

"Your Honor, 19 people have died so far in the Kennedy investigation. Scores have been injured. It is miraculous that not one witness has ever been uncovered to either these killings or these injuries. I don't want to be the twentieth, but I will not stop."

Kroman said he became involved in the Kennedy case when he met a Cuban in Miami, Fla., and was told that one Manuel Torres was the killer of President Kennedy. Kroman also said the assassination was planned and executed by "right-wingers" and that Lee Harvey Oswald had nothing to do with the killing.

ALLIED
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